

APPARENT TIMELINE FOR DEVELOPMENT OF CONJUNCTIVE ADMINISTRATION RULES FOR WATER DISTRICT 34

Late 1980s – IDWR received numerous complaints about decreasing ground water levels, decreased streamflow, protests of permit applications, and petitions both supporting and opposing a moratorium on new permits

1990 - Idaho legislature appropriated \$50,000 to IDWR for a water management study for the Big Lost River basin

5/7/1990 – Proposed Order in the matter of administration of use of surface and groundwater of the Big Lost River basin

5/30/1990 – Hearing on above proposed order

8/7/1990 – Final Order in the matter of administration of use of surface and groundwater of the Big Lost River basin – lays out the options of curtailment under a strict priority system, or mitigation

12/1991 – Johnson, Ralston, Mink paper on groundwater pumping impacts was published

1/6/1992 – Big Lost River Pumpers Association (BLRPA) submitted a “Draft Proposed Working Plan for Alternative Water Resource Management” which protests the stream depletion relationships presented in the Johnson/Ralston report (see pg. 6), requests that additional study be done, and proposes that a depletion factors of 5% and 10% be used instead.

5/27/1992 – Director’s Report Part I for Basin 34 – see pg 10 for reference to conjunctive administration – expressly puts the burden of proof of lack of impact on the ground water user

7/7/1992 – IDWR notified groundwater users that when conjunctive administration begins they will be curtailed if they do not have an acceptable mitigation plan (per reference in 8/31/1992 letter – could not find this letter)

8/31/1992 – IDWR responded to BLRPA “Draft Working Plan”, saying that it needed more detail to be approved as a mitigation plan –further correspondence related to this plan was not found

12/18/1992 – 5th Judicial District Court granted motion for interim administration

12/30/1992 – IDWR met separately with BLRPA, BLRID, and WD34 to discuss to effect of interim (and conjunctive) administration

1/21/1993 – IDWR held a meeting for water users to discuss the intent to expand the water district and the need for mitigation plan(s) to use wells in 1993

2/8/1993 – Hearing in the matter of revising Water District 34 to include ground water

2/15/1993 – unsigned white paper entitled “Development of Specific Mitigation Parameters” (may have been written by David Shaw or George Austiguy?) – this documents the procedure used by Dr. James Milligan and David Shaw to separate the depletion effects of pumping from other depletion effects. They used estimates of acreage irrigated by flood and sprinkler irrigation methods from the 1930s and 1991, and typical irrigation efficiency estimates, to estimate the number of new acres irrigated by ground water and surface water. They then multiplied the Johnson/Ralston depletion equation by the percentage of new acres irrigated by ground water. This modified equation was apparently used to determine the 13% depletion used in the rule.

2/23/1993 – Order in the matter of revising Water District 34 to include ground water

6/23/1993 – IDWR sent a letter to Big Lost River surface water users who did not sign the “Water Management Proposal to Director of IDWR” (I could not find this document, but from the context it may have included some agreement to forego seeking mitigation from ground water users). This letter asked those water users for a written statement of their desire for mitigation water during the 1993 irrigation season. (per reference in 8/5/1993 letter – could not find this letter)

8/5/1993 – IDWR sent a letter to ground water users notifying them that mitigation had been requested for 18 senior surface water rights, and that WD 34 had acquired some water to be used for mitigation. The letter notified them that they will be assessed for mitigation by the Water District, unless they notify the district that they will immediately cease using ground water for the remainder of the irrigation season.

8/5/1993 – IDWR issued Notice of Intent to Promulgate Rules for water distribution in basin 34

9/15/1993 – IDWR held public meeting to discuss water distribution issues and the negotiated rulemaking process